

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered and are persuasive. The finality of the previous Office action is withdrawn. However, upon further searching, new prior art was discovered that necessitates new grounds of rejection. The delay in presentation of the newly discovered prior art and new grounds of rejection is regretted.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "wireless communication signal" in a). There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "occurrence of generation" in b). There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6034994 to Yoon.

Regarding Claim 1, 9, Yoon discloses

a) storing a voice signal outputted from a vocoder of the wireless communication signal for a predetermined time see Col 3 Ln 15-20;

b) selecting at least one of the signal values among which the occurrence of generation is lower than a threshold value, to generate a token header data see Fig. 4 ;

c) combining token header data of variable lengths to form a token header and generating a token including the token header, the token header data having the lowest occurrence of generation among voice data outputted from a vocoder of the wireless communication terminal see Col 4 Ln 49-60 & Col 3 Ln 15-20 (where the header is combined in vocoding mode to form only speech while in bypass mode the header and speech bytes are repeated for four times for PCM data to form a token useable for communication linking);

d) at a transmission terminal, receiving a request for a secure communication from a user and transmitting the token to a reception terminal see Fig. 3 item "Vocoding Mode Operation"; and

e) at the transmission terminal, entering into a secure communication mode based on an acknowledge token transmitted from the reception terminal, and performing secure communication with the reception terminal see Fig3 item "Begin bypass operation of Outgoing-end vocoder".

Regarding Claim 2-8, 10, Yoon disclose the details of the header being included

including keys, ID information and transmitting repeated times based on

acknowledgement packet see Col 2 Ln 28-39 & Col 2 Ln 49-54.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is (571)272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. P./
Examiner, Art Unit 2132
September 2, 2008

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2132